IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESSDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE D.S.R.VARMA**

**WRIT PETITION NO : 24532 of 2004**

Between:

M/s Bhargavi Bar & Restaurant, Door No. 16/4/1868, Harinadhapuram,
(Balaram Nagar) of Nellore Town, rep. by B. Pullaiah S/o Srinivasulu,
age 30 years.

**..... PETITIONER**

AND

1 Government of Andhra Pradesh, rep. by Special Chief Secretary ( Revenue), Secretariat Buildings, at Secretariat, Hyderabad.
2 The Commissioner of Prohibition and Excise, J.N. Road, Opp: Exhibition Grounds (Ajanta Gate) Nampalli, Hyderabad.
3 The Superintendent of Prohibition and Excise, Nellore District at Nellore.
4 B. Bhaskar Reddy, S/o Late Adisesha Reddy, A.S. Narayana Engineering College road, Nellore District.
5 G. Jitendra Kumar, S/o Anjaneyulu Reddy, R/o 16-3-1211, Sramikanar, Nellore.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Certiorari call for the records from the 2nd and 3rd respondents and set aside the impugned proceedings vide Cr. No. 21123/04/CPE/G2 dated 14-12-2004 passed by the 2nd respondent in respect of proposed II 17 Licence in the name and style of M/s Bhargavi Bar & Restaurant at Door No. 16/4/1868, Harinadhapuram ( Balaramnagar) of Nellore Town, and pass such other order or orders

**Counsel for the Petitioner: MR.B.SAI RAM GOUD**

**Counsel for the Respondent Nos 1 to 3: GP FOR PROHIBITION & EXCISE**

**Counsel for the Respondent Nos 4 & 5: Ch. Hanumantha Rayudu.**

The Court at the stage of admission made the following :

***ORAL ORDER***:

Heard the learned counsel. Perused the material placed before me.

The petitioner is an applicant seeking licence under IL 17 for establishing bar and restaurant. The said application was made on 22.9.2004. It is asserted that proper enquiry was conducted and when actually the enquiry was culminating into issuance of IL 17 licence, two individuals made certain complaints to the competent authority and also filed writ petition No. 21652 of 2004. The said writ petition was disposed of with a direction to the competent authority to consider the representations and the objections filed by the petitioners therein. Pursuant to the said direction, the present impugned order dated 14.12.2004 had been passed and consequently, the licence was not given.

A bare perusal of the impugned order would disclose that no reasons were assigned, but what all said in that order apart from the procedure to be adopted was “after careful examination of the matter and in view of the High Court orders and the objections from the correspondents of Coaching Centres, the request for grant of Bar licence at D.No. 16-4-1868, Harinadhapuram is not considered”.

The learned Government Pleader submits that there are various other reasons for not considering the case of the petitioner for issuance of licence for establishing bar and restaurant. However, this Court is not keen to know or go into all those other reasons. But suffice to comment that the impugned order is devoid of any reasons.

When there are so many complaints made by some others, naturally there

might be several aspects that may fall for consideration either to accord the licence or to reject. Since the present case is one where an order of rejection was passed, in all fairness, the 2nd respondent is expected to detail the reasons for not considering the application of the petitioner for issuance of licence for establishing bar and restaurant.

Therefore, without going into the merits of the case, I am inclined to allow the writ petition only on the ground that reasons are not sufficiently incorporated in the impugned order.

Accordingly, the writ petition is allowed at the stage of admission and the impugned order passed by the 2nd respondent dated 14.12.2004 is hereby set aside. The second respondent is directed to give all the reasons after examining the whole issue and pass appropriate orders afresh, after following due procedure of law prescribed under Rules 28 and 29 of AP FL & IL rules, 1970, as expeditiously as possible preferably within four weeks from the date of receipt of a copy of this Order, without being influenced by any of the reasons what so ever given in the impugned order. The 2nd respondent is also directed to take into account the objections and the report of the third respondent as well. No costs.

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02-03-2005

Note:

Issue CC by two days

B/o

K.V.S.N.

To

1 Government of Andhra Pradesh, rep. by Special Chief Secretary ( Revenue), Secretariat Buildings, at Secretariat, Hyderabad.

2 The Commissioner of Prohibition and Excise, J.N. Road, Opp: Exhibition Grounds (Ajanta Gate) Nampalli, Hyderabad.

3 The Superintendent of Prohibition and Excise, Nellore District at Nellore.

4 Two copies to GP for Excise, High Court of AP, Hyderabad.

5 Two CD copies.